



JCTO Rec'd PCT/PTO 09 OCT 2001

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PATENT
ATTORNEY DOCKET NO.: 045636-5048

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Isabelle POQUET et al.)	
U.S. Application No.: 09/869,106)	Group Art Unit: Unassigned
International Appln. Filing Date: December 23, 1999)	
Date of National Stage Entry: June 22, 2001)	Examiner: Unassigned
For: GRAM-POSITIVE BACTERIA DEPRIVED)	
OF HtrA PROTEASE ACTIVITY AND THEIR)	
USES)	

BOX PCT
Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed August 8, 2001.

A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is enclosed.

2. Declaration Or Oath

- ☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
- ☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

- ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.
- ☐ Also enclosed is the Verification of Translation Document

4. Small Entity Statement(s)

- ☐ A statement claiming small entity status under 37 C.F.R. § 1.27 is asserted for the present application.

5. Fee Calculation

			Basic Fee: PCT Application-\$890.00	
	Number Filed	Number Extra	at a Rate of	
Total Claims	-20 =		\$18.00 each=	+\$
Independent Claims	- 3 =		\$84.00 each=	+\$
Multiple dependent claim(s), if any			\$280.00	+\$
Missing Requirements Surcharge Fee			\$130.00	\$130.00
SUB-TOTAL =				\$130.00
Reduction by 1/2 for filing by small entity. All entities associated with this application presently fully meet the requirements of 36 CFR § 1.9(d).				
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d))			\$130.00	+\$
Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d))			\$130.00	+\$
TOTAL FILING FEE =				\$130.00

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6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>Fee for Small Entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$200.00
<input type="checkbox"/> three months	\$ 920.00	\$460.00
<input type="checkbox"/> four months	\$1,440.00	\$720.00
<input type="checkbox"/> five months	\$1,960.00	\$980.00

Extension of time fee due with this request:

\$

If an additional extension of time is required, please consider this a Petition therefor.

- ☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

The total fee due is:	Completion Fees	\$130.00
	Assignment Fees	\$ 40.00
	Total Fee Due	<u>\$170.00</u>


- ☒ Enclosed is a check in the amount of \$170.00 representing the Missing Requirements Surcharge and an assignment recordation fee.

- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.
- ☐ Form PCT/IPEA/409 (English Translation)
 - ☐ Preliminary Amendment
 - ☐ PCT/IB/338 English translation of the International preliminary Examination Report
 - ☐ Information Disclosure Statement
 - ☐ Form PTO-1449, ___document(s) as listed
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
 - ☒ Assignment Recordation Cover Sheet
 - ☒ Assignment Document

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP


Elizabeth C. Weimar
Reg. No. 44,478

Date: October 9, 2001

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UNITED STATES PATENT AND TRADEMARK OFFICE

Docketed

Case

Due Date

By

On

Attorney

Commissioner for Patents, Box PCT

United States Patent and Trademark Office

Washington, D.C. 20231

www.uspto.gov

U.S. APPLICATION NO.

09/869106

FIRST NAMED APPLICANT

POQUET

ATTY. EXCISE NO.

045636-5048

INTERNATIONAL APPLICATION NO.

PCT/FR99/03270

RECEIVED

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MORGAN, LEWIS & BOCKUS LLP

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1800 M STREET NW
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F.A. FILING DATE

23 DEC 99

PRIORITY DATE

24 DEC 98

DATE MAILED

08 AUG 2001



NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as
- ☐ a Designated Office (37 CFR 1.494)
 - ☒ an Elected Office (37 CFR 1.495):
 - ☐ U.S. Basic National Fee
 - ☒ Copy of the international application.
 - ☒ Oath or Declaration of inventors(s).
 - ☒ Copy of Article 19 amendments.
 - ☒ Priority Document.
 - ☒ The International Preliminary Examination Report in English and its Annexes, if any.
 - ☒ Translation of Annexes to the International Preliminary Examination Report into English.
 - ☒ Indication of Small Entity Status
 - ☒ Translation of the international application into English.
 - ☐ Translation of Article 19 amendments into English.
 - ☐ Other:

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- ☐ U.S. Basic National Fee.
 - ☐ Copy of the international application.

3. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
 - ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
 - ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
 - ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(g)).
4. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes MUST be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
- ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917
☐ PTO-875

☐ Notice of Defective Translation
☐ PCT/DO/EO/920

Deborah D. Williams

Telephone: 703-305-3444

FORM PCT/DO/EO/905 (March 2001)